

Maine Revised Statutes

**Title 37-B: DEFENSE, VETERANS AND EMERGENCY
MANAGEMENT HEADING: PL 1997, c. 455, §9 (rpr)**

**Chapter 13: MAINE EMERGENCY MANAGEMENT
AGENCY HEADING: PL 1987, c. 370, §13 (rpr)**

§800. TRADE SECRETS

1. Withholding information. Information that constitutes a trade secret may be withheld from the local emergency planning committee or fire department, and specific chemical names and identifications may be withheld in accordance with this subchapter if:

- A. The information has not been disclosed to any other person except the commission, the local emergency planning committee, a public official or a person bound by confidentiality agreement, and reasonable measures have been taken to protect confidentiality; [1989, c. 464, §3 (NEW).]
- B. The information is not required to be disclosed by law; [1989, c. 464, §3 (NEW).]
- C. Disclosure is likely to cause harm to the business's competitive position; and [1989, c. 464, §3 (NEW).]
- D. The chemical identity in question is not readily discoverable through reverse engineering. [1989, c. 464, §3 (NEW).]

[1989, c. 464, §3 (NEW) .]

2. Substitute information. If trade secrecy is claimed, the owner or operator of the facility shall substitute on the relevant forms:

- A. The generic class of the material; [1989, c. 464, §3 (NEW).]
- B. Sufficient information so that emergency responders will not be hampered; and [1989, c. 464, §3 (NEW).]
- C. Identification of potential adverse health effects posed by the hazardous chemical or extremely hazardous substance. [1989, c. 464, §3 (NEW).]

[1989, c. 464, §3 (NEW) .]

3. Exception. Trade secrecy cannot be claimed if:

- A. The commission and the United States Environmental Protection Agency so rule; [1989, c. 464, §3 (NEW).]
- B. Notification is required by a release; or [1989, c. 464, §3 (NEW).]
- C. In the event of a life threatening situation, the information is requested by the State Toxicologist or a health professional treating a victim of exposure to the chemical. [1989, c. 464, §3 (NEW).]

[1989, c. 464, §3 (NEW) .]

SECTION HISTORY

1989, c. 464, §3 (NEW).

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